

NONAPPROPRIATED FUND INSTRUMENTALITIES ACT

[PUBLIC—No. 397—82ND CONGRESS, PASSED JUNE 19, 1952,
AS AMENDED]

[S. 1828]

An Act To make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Civilian employees, compensated from nonappropriated funds, of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Armed Forces, shall not be held and considered as employees of the United States for the purpose of any laws administered by the Civil Service Commission or the provisions of the Federal Employees' Compensation Act, as amended: *Provided*, That the status of these nonappropriated fund activities as Federal instrumentalities shall not be affected.

SEC. 2. (a) The Longshoremen's and Harbor Workers' Compensation Act shall apply with respect to the disability or death resulting from injury, as defined in section 2(2) of such Act, occurring to a civilian employee of any nonappropriated fund instrumentality described in section 1 of this Act, subject to the following provisions of this section:

(1) For the purposes of section 1 of this Act and this section, the term "employee" in section 2(3) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall include only—

(A) those employees of such nonappropriated fund instrumentalities are as employed within the continental United States and

(B) those United States citizens or permanent residents of the United States or a Territory who are employees of such nonappropriated fund instrumentalities outside the continental limits of the United States.

(2) For the purposes of section 1 of this Act and this section, the term "employer" in section 2(4) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall include each of the nonappropriated fund instrumentalities described in section 1 of this Act.

(3) For the purposes of section 1 of this Act and this section, only that part of section 3(a) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, which precedes the first comma shall apply.

(4) The Secretary of Labor is authorized—

(A) to extend compensation districts established under section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, or to establish new districts to include the areas outside the continental limits of the United States and

(B) to assign to each such district one or more deputy commissioners as the Secretary deems advisable.

Judicial proceedings under sections 18 and 21 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, with respect to any injury or death occurring outside the continental limits of the United States shall be instituted in the district court within the territorial jurisdiction of which is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the United States District Court for the District of Columbia if such office is located in such district).

(b) In case of disability or death resulting from injury, as defined in section 2 (2) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, of an employee who is not a citizen or permanent resident of the United States or a Territory, employed outside the continental limits of the United States by any nonappropriated fund instrumentality described in section 1 of this Act, compensation shall be provided in accordance with regulations prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense or regulations prescribed by the Secretary of the Treasury, as the case may be.

(c) The liability of the United States or of any nonappropriated fund instrumentality described in section 1 of this Act, with respect to the disability or death resulting from injury, as defined in section 2 (2) of the Longshoremen's and Harbor Workers' Compensation Act, of any employee referred to in subsection (a) or (b) of this section,

shall be determined as provided in section 1 of this Act and this section. Such liability shall be exclusive and in the place of all other liability of the United States or such instrumentality to the employee, his legal representative, spouse, dependents, next of kin, and any person otherwise entitled to recover damages from the United States or such nonappropriated fund instrumentality on account of such disability or death in any direct judicial proceedings, in a civil action, or in admiralty, or by proceedings whether administrative or judicial, under any workmen's compensation law or under any Federal tort liability statute.